

From: [Cullom, Christina \(USATXS\)](#)
To: [Alejandra Munoz](#)
Cc: [Rob Cantu](#); [Kempen, Sydnie \(USATXS\)](#); [Babauta, Raymond \(USATXS\)](#); [Teletha Rene Brodd](#)
Subject: RE: [EXTERNAL] Re: Arzate v. USA - Plf's Expert Disclosures
Date: Monday, October 30, 2023 11:46:00 AM

Good morning,

I'm writing to discuss your supplemental expert designations provided to me on October 17, 2023. I would ask that you provide a summary of the testimony the individual provider will testify to and identify the specific providers you intend to call.

- Your disclosure contains general topics, not summaries as are required by the rules, that apply generally to all of your designated experts.
- Your designation also fails to identify specific providers because your designation continues to include the broad language of "Any and all doctors, nurses, EMT's, employees, owners, agents, representatives, and custodian of records **including but not limited to:**"
- The following language impermissibly shifts the burden of discovery and expert disclosures to the defendant: "A description of the substance of the testimony concerning such witnesses is largely accessible to Defendant through Plaintiff's medical records and any witness depositions, which may be taken."

Please let me know by 10/31 if you intend to rectify these issues. If I do not hear from you by this date, I will assume you oppose a motion to strike.

Thanks,

Christina Cullom
Assistant United States Attorney
United States Attorney's Office
Southern District of Texas
1000 Louisiana, Suite 2300
Houston, Texas 77002
(713) 567-9962
Christina.Cullom@usdoj.gov

From: Alejandra Munoz <am@robertsmarkland.com>
Sent: Tuesday, October 17, 2023 7:25 PM
To: Cullom, Christina (USATXS) <CCullom@usa.doj.gov>
Cc: Rob Cantu <rc@robertsmarkland.com>; Kempen, Sydnie (USATXS) <SKempen@usa.doj.gov>; Babauta, Raymond (USATXS) <RBabauta@usa.doj.gov>; Teletha Rene Brodd <trb@robertsmarkland.com>
Subject: [EXTERNAL] Re: Arzate v. USA - Plf's Expert Disclosures

Good afternoon Christina,
Please see below and attached a courtesy copy of the revised Expert Witness Designations. They're on file now as well.

Have a great rest of your week.

Alejandra Muñoz Torres

Attorney at Law

Roberts Markland, LLP

2555 N MacGregor Way

Houston, Texas 77004

☎ 713 630 0900 | 📠 713 630 0991

✉ am@robertsmarkland.com

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On Wed, Oct 4, 2023 at 1:48 PM Cullom, Christina (USATXS) <Christina.Cullom@usdoj.gov> wrote:

Rob,

I am in receipt of your expert disclosures and I am writing to request that you cure the deficiencies contained within. Specifically, your expert disclosures do not comply with FRCP 26(a)(2)(A) and (C), which require individual witnesses to be identified and the subject matter *and* summary of the facts and opinions on which the individual witness will testify to be disclosed. Your current disclosures do not provide Defendants with sufficient information to identify individuals to depose or prepare for those depositions, not to mention prepare for a meaningful cross-examination at trial. For example, you have broadly identified “any and all doctors, nurses, EMT’s, employees, owners, agents, representatives, and custodian of records for Complete Surgery Houston Northwest” – this fails to identify a single individual at this entity that I could depose and what their testimony might be.

I respectfully request that you cure these deficiencies by your expert disclosure deadline – October 17, 2023.

Kind regards,

Christina

Christina Cullom

Assistant United States Attorney

United States Attorney’s Office

Southern District of Texas

1000 Louisiana, Suite 2300

Houston, Texas 77002

(713) 567-9962

Christina.Cullom@usdoj.gov

From: Rob Cantu <rc@robertsmarkland.com>

Sent: Friday, August 11, 2023 10:12 PM

To: Cullom, Christina (USATXS) <CCullom@usa.doj.gov>; Kempen, Sydnie (USATXS) <SKempen@usa.doj.gov>; Babauta, Raymond (USATXS) <RBabauta@usa.doj.gov>

Cc: Alejandra Munoz <am@robertsmarkland.com>; Teletha Rene Brodd <trb@robertsmarkland.com>; Roberts C <rc@robertsmarkland.com>

Subject: [EXTERNAL] Arzate v. USA - Plf's Discovery Responses

Good evening Christina,

Please find attached Plaintiff's discovery responses.

Thank you,

Rob Cantu

Roberts Markland, LLP | 2555 N MacGregor Way | Houston, Texas 77004

☎ 713 630 0900 | 📠 713 630 0991 | ✉ rc@robertsmarkland.com

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